

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest	)	MEMORANDUM DECISION
of A.S., a person under	)	(Not For Official Publication)
eighteen years of age.	)	
_____	)	Case No. 20060022-CA
	)	
M.S.,	)	F I L E D
	)	(March 16, 2006)
Appellant,	)	
	)	2006 UT App 108
v.	)	
	)	
State of Utah,	)	
	)	
Appellee.	)	

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Third District Juvenile, Salt Lake Department, 458230  
The Honorable Charles D. Behrens

Attorneys: Cheri M. Stringham, Salt Lake City, for Appellant  
Mark L. Shurtleff and Carol L.C. Verdoia, Salt Lake  
City, for Appellee  
Martha Pierce and Brent Newton, Salt Lake City,  
Guardians Ad Litem

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Before Judges Billings, Davis, and Thorne.

PER CURIAM:

M.S. appeals the termination of her parental rights in A.S. M.S. asserts that there was insufficient evidence to support the juvenile court's finding that she believed that relinquishing her parental rights was in the child's best interest. We affirm.

For a voluntary relinquishment to be effective, a juvenile court must find only that the parent "has read and understands the . . . relinquishment [petition] and has signed it freely and voluntarily," and determine that the relinquishment is in the child's best interest. Utah Code Ann. § 78-3a-414(3), (5) (2002); see also In re A.G., 2001 UT App 87, ¶2, 27 P.3d 562. Thus, contrary to the argument made by M.S., the juvenile court was not required to make a finding that she believed that it was

in her child's best interest to have her parental rights terminated. In its order terminating M.S.'s parental rights, the juvenile court expressly found that M.S. signed the relinquishment freely and voluntarily. M.S. does not challenge this finding. Accordingly, this finding is deemed admitted.

Further, while not included in the written order,<sup>1</sup> the juvenile court made a verbal finding that it was in A.S.'s best interest to terminate M.S.'s parental rights. This finding was based upon M.S.'s statements to the juvenile court that she did not feel she was prepared to act as A.S.'s mother. Further, the guardian ad litem proffered that M.S. had seen A.S. interact with her current caretakers. In so doing, M.S. saw that A.S. was well cared for and bonded to her caretakers. The juvenile court then asked M.S. if that proffer was accurate. M.S. responded "Somewhat." She did not discuss any particular statement to which she may have disagreed.<sup>2</sup> As a result, the juvenile court found that it was in A.S.'s best interest if the court accepted M.S.'s voluntary relinquishment of parental rights. Based upon the facts elicited during the relinquishment hearing coupled with the information that led to both the adjudication of A.S. as a neglected child and the termination of reunification services to M.S., the juvenile court did not abuse its discretion in determining that termination of M.S.'s parental rights was in A.S.'s best interest. See In re A.G., 2001 UT App 87 at ¶7 (stating that juvenile court's determination that termination of parental rights is in the child's best interest is reviewed under an abuse of discretion standard).

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<sup>1</sup>M.S.'s counsel prepared the Findings of Fact, Conclusions of Law, and Order signed by the juvenile court.

<sup>2</sup>It should be noted that M.S. had a difficult time expressing her thoughts during the hearing because, although she stated she believed it was in the best interest of A.S. to have her parental rights terminated, she never wanted A.S. to feel like she was unwanted. M.S. did want to keep A.S.; however, based upon her circumstances she did not believe she could effectively care for A.S.

Accordingly, the order terminating M.S.'s parental rights is affirmed.<sup>3</sup>

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Judith M. Billings, Judge

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James Z. Davis, Judge

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William A. Thorne Jr., Judge

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<sup>3</sup>M.S. also requested that new counsel represent her on this appeal. However, based upon our review of the record, the arguments made by M.S.'s current counsel, and applicable law, such a substitution is unnecessary.